

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY  
AUGUSTA, MAINE

**Annual Report  
of the  
State of Maine  
Judicial Branch**

**Fiscal Year 1995  
July 1, 1994 to June 30, 1995**



KF  
8732  
.Z99  
M222  
1995  
c.2

MAY 6 1996

### ***About the Cover:***

Pictured on the cover is the new Waterville District Court building, which opened on February 3, 1995. The facility is located at 18 Colby St. in Waterville, at the edge of the Waterville central business district on the old Colby College campus site. The new facility was dedicated on March 17, 1995 in honor of the late Hon. Roland J. Poulin, who served as the resident judge in the Seventh District Court from 1963 to 1976 and as an active retired judge from 1976 to 1989. The ceremony was hosted by District Court Chief Judge Susan W. Calkins, with remarks by Chief Justice Daniel E. Wathen, and a remembrance of Judge Poulin delivered by Judge Courtland D. Perry.

The new facility is approximately 10,000 square feet, and includes two courtrooms with chambers, conference and mediation rooms, a large waiting area for the public, clerk's office and a separate waiting area for persons in custody. Both the Division of Probation and Parole and the Kennebec County District Attorney's Office have office suites in the building.

The facility was built on an accelerated schedule as a result of a cooperative effort between the Administrative Office of the Courts, the State Bureau of General Services, and Hight Partners, Inc. of Skowhegan, the developer and owner of the courthouse.

Editor: Sherry A. Reed

Design and Production: J. Motherwell

Cover Photo: Debra E. Olken

Published by: Maine Administrative Office of the Courts  
70 Center St., P.O. Box 4820  
Portland, Maine 04112

# *Annual Report of the State of Maine Judicial Branch*

*Fiscal Year 1995  
July 1, 1994-June 30, 1995*

## **Mission**

*To administer justice by providing an accessible,  
efficient and impartial system of dispute  
resolution that serves the public interest, protects  
individual rights, and instills respect for the law.*

## **Table of Contents**

- 2 Transmittal Letter from State Court Administrator
- 4 Message from the Chief Justice
- 6 State Court Caseload Summary
- 8 Supreme Judicial Court Report
- 9 Superior Court Report
- 12 District Court Report
- 14 Administrative Court Report
- 15 Fiscal Information
- 16 Planning for Change and Improvement  
Fiscal Year 1995 Goals and Accomplishments
- 21 Participatory Management
- 22 Additional Activities during Fiscal Year 1995



## **Administrative Office of the Courts**

70 Center Street • P.O. Box 4820 • Portland, Maine 04112  
207/822-0792 • FAX: 207/822-0781

# *Administrative Office of the Courts*

70 Center Street, P.O. Box 4820, Portland, Maine 04112

---

*James T. Glessner*  
State Court Administrator  
Telephone: (207) 822-0792  
FAX: (207) 822-0781

January, 1996

Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court  
Honorable Angus S. King, Jr., Governor of Maine  
Members of the 117th Maine Legislature

Ladies and Gentlemen:

This year's annual report serves as a reminder of the many accomplishments of the last fiscal year. The planning and participatory management sections of the report highlight the way in which those accomplishments were achieved. Planning for successful change, and the use of teams to refine and carry out those plans, became an accepted practice. As a result, Fiscal Year 1995 saw a greater emphasis on teams and teamwork than had ever occurred before. During the year, there were 53 teams working on a wide variety of issues – from Gender, Justice and the Courts to Judicial Education to Court Facilities. More than 170 Judicial Branch employees served on those teams, along with more than 60 volunteers from outside the Judicial Branch. This collective effort resulted in many of the achievements documented on the following pages.

The Judicial Branch experienced another year of funding difficulties in Fiscal Year 1995. In "Managing Budget Cutbacks," a national study to evaluate how state courts are managing with declining resources (conducted by the National Center for State Courts, funded by the State Justice, 1994) authors Robert W. Tobin and Kenneth G. Pankey, Jr. state that: "The state-funded Maine court system has probably been the most hard-hit of any court system in the United States." In an effort to better inform our colleagues in the Executive and Legislative Branches of the difficulties we are facing, opportunities for direct communication were expanded. Many legislators accepted our invitation to visit courts and observe judges and employees at work. Additionally, in a year when a new governor was about to be elected, gubernatorial candidates were invited to visit. Our visitors were favorably impressed by the employees they met and the work the courts are doing. The legislators and candidates observed first hand our need for additional resources to assist us in our efforts to serve the public. This has resulted in an improved understanding of the role of the court system and the effect it has on the lives of the citizens of the State of Maine. We believe that a stronger partnership is being forged and this will result in improved service for the citizens of Maine.

I would like to acknowledge the fine work of Sherry Reed who served as editor for this annual report, working under the direction of Debby Olken. Many thanks to the clerks of court who supplied the data contained in this report, as well as the many members of the court community who contributed to the narrative.

Sincerely,



James T. Glessner  
State Court Administrator

# State of Maine Judicial Branch

## ◆ *Mission*

*To administer justice by providing an accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.*

## ◆ *Vision*

### ◆ *Public Service*

#### **The Judicial Branch will:**

- provide appropriate facilities, equipment, and personnel to deliver judicial services required by the public;
- continuously gather, analyze, and utilize information from all sources concerning the actual needs of Maine citizens;
- eliminate inconsistency, needless complexity, waste and delay;
- eliminate barriers to accessibility, whether those barriers are physical, economic, procedural or otherwise;
- institute uniform and simplified procedures and inform the public about those procedures in a format that is readily available and easily understood.

### ◆ *Judges and Staff*

#### **The Judicial Branch will:**

- provide training to enable all employees to perform their tasks and fulfill their potential;
- motivate employees by encouraging and recognizing their contributions; and,
- provide a work environment that promotes employee productivity and well-being.

### ◆ *Court Management*

#### **The Judicial Branch will:**

- maintain the degree of financial and operational independence that is necessary for the proper performance of its separate constitutional obligations;
- maintain systems to ensure financial and operational accountability;
- institute uniform and coordinated internal operating procedures;
- develop and maintain a system of reciprocal communication with employees, those involved in the justice system, the other branches of government, and the public;
- rely on teamwork and participation by employees in management decision-making;
- systematically evaluate new technologies and implement those appropriate for use in the courts;
- develop and utilize objective standards for the measurement of performance; and,
- plan for the future.

## ◆ *Guiding Principles*

#### **The Judicial Branch will:**

- strive to make justice accessible to all;
- treat everyone with respect, dignity, and courtesy;
- work as a team and encourage and recognize the contributions of all employees;
- communicate public information openly and effectively;
- provide employees with opportunities for continuous learning, growth and advancement; and,
- provide the service that will best serve the public.

## Message from the Chief Justice



*Chief Justice Daniel E. Wathen*



After one hundred seventy-five years of statehood, the third and smallest branch of Maine's government continues to exist solely to provide justice to Maine's people. In this day of mission statements and goals, it is difficult to imagine a clearer or more meaningful statement of purpose. This Annual Report details the work of the courts in the last year and demonstrates that the court system is a complex organization that depends very much on personal contact and the human

touch. Courts no longer simply decide cases between litigants who are assisted by counsel. Maine courts serve all citizens and, in doing so, are an increasingly vital part of society's response to a number of pressing social problems.

A court is not just a building or a room: It is a place where clerks, judges, court reporters, security officers, mediators, CASA volunteers, jurors, attorneys, prosecutors, police officers, victim-witness advocates, family crisis advocates, and citizens come together in order to pursue justice. Our greatest resource is the people who work in the courts. The following pages tell their story and include comments from those who have found them to be responsive and caring even under difficult circumstances.

As this year closes we are anxiously preparing to move from the era of the quill pen to the age of the computer. With federal funds obtained this year, the judicial branch has now embarked on a two-year process of implementing its technology plan. Our constitution guarantees that Maine citizens have access to courts that are fair, fast, affordable, and effective. Technology is an essential part of the process of insuring that the constitutional promise remains a reality.

The third branch of government is proud of its record, poised for change, and ready to continue to provide justice. It is my privilege to report to the citizens of Maine.

A handwritten signature in black ink, which reads "Daniel E. Wathen". The signature is fluid and cursive.

Daniel E. Wathen  
*Chief Justice, Supreme Judicial Court*

## Serving the Citizens of Maine

Litigation is often an unpleasant experience, and the question is frequently asked, "Does anyone ever leave court happy?" The answer in Maine is "yes", and the reason is simple – even a litigant on the losing side values prompt service, common courtesy, and ordinary concern. The quotes presented here were taken from letters of appreciation received by court locations throughout the State. The compliments offered by these citizens illustrate that, as Chief Wathen states, "Our greatest resource is the people who work in the courts."



*"Any time that I have every had dealings with a professional or legal organization, I've always been given the run-around. I just wanted you to know that I very much appreciate your prompt and very courteous action regarding my recent case. It was a very pleasant change."*



**District Court Judges Joseph H. Field, Peter J. Goranites, and Superior Court Justice Leigh I. Saufley.**



**Washington County Superior Court: Marilyn Braley, Clerk, Ann Hayward, Brenda Schors.**

*"Over the past year you have been extremely helpful to us as we have attempted to go through the "proper channels" to get this child support straightened out. I'm not sure we would have gotten very far on our own. Thank you for letting us know what steps to take on our own to get the paperwork moving. Our experience with the Courthouse was very positive!"*

*"The children want to express their appreciation for you taking the time and interest in addressing them. Many of the students were very captivated by the proceedings and the importance of the law. This experience will have a lasting impression on them. The teachers were impressed with the patience and interest the clerks took in the children."*

*"Thank you for your patience and for educating us as jurors. The bailiffs were very kind and thoughtful. I appreciated their good humor and their wisdom."*

*"I recently moved to Maine from another state where I practiced law for 13 years. I would like you to know that the Maine Clerk's Offices I have dealt with are head and shoulders above all (other state's) Clerk's offices I have dealt with. From the moment I first introduced myself, I was met with friendly, helpful, courteous personnel willing to assist me and, when necessary, to pick up the phone to call me when I had questions or problems. It is gratifying to be treated not only as a professional but also as a human being."*

*"My husband was wrong. He drove without his license. However, in his dealings with all of you at the courthouse, he found you all to be respectful, helpful, pleasant and knowledgeable. Thank you for once again proving to us that Maine, indeed, the way life should be!"*



## State Court Caseload Summary

Caseloads throughout Maine's state court system have undergone significant changes during the past several years. There are characteristic differences in today's court caseload compared to that of the past, but these changes are difficult to quantify; statistics cannot demonstrate the increased complexity of civil litigation, and it is often impossible to document the actual impact of new legislation each year. The graph below illustrates an example of the shift in demands on the Courts of Maine that simple case counts do not reveal. Over the past several years, complex and time-consuming domestic cases have become an increasing percentage of the Maine's civil caseload, while simpler small claims cases have been reduced. This shift exemplifies the demands on the Courts to respond to pressing social problems.

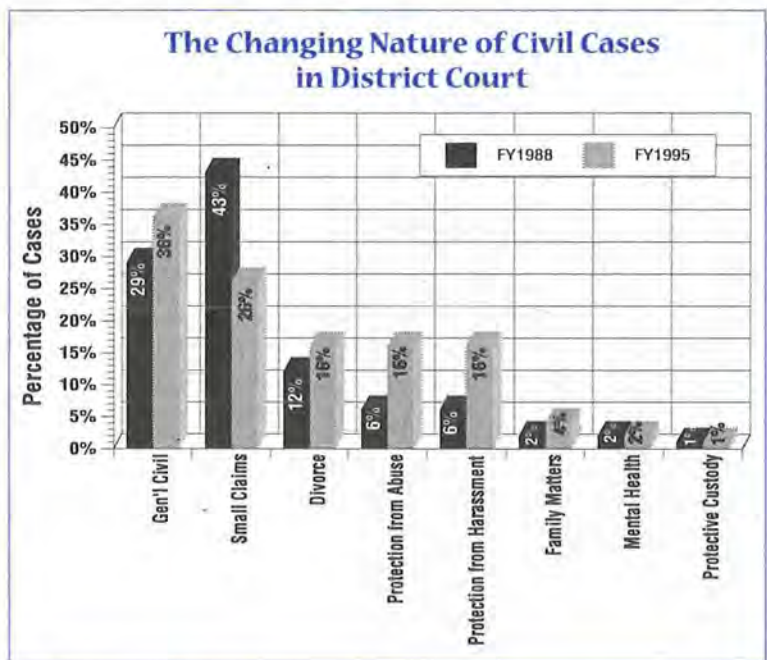
In the Supreme Judicial Court, FY'95 filings decreased by 4.8% compared to FY'94 following a dramatic increase due to the nearly tripling in filings of Worker's Compensation cases during FY'94. There were 988 cases filed and 732 cases disposed of in FY'95.

The Superior Court is the state's court of general jurisdiction. There were 17,575 cases filed in FY'95, of which 5,429 (29%) were civil. Of the 5,752 civil dispositions during FY'95, 41.6% were dismissed by agreement of the parties (Rule 41(a)). There were 166 civil jury trials and 190 civil non-jury trials during the year.

The number of criminal filings in the Superior Court was 11,946 in FY'95, a 1.6%

decrease compared to FY'94. Nearly fifty percent of all criminal case filings were transfers from the District Court. The 3,619 cases involving Class A, Class B and Class C crimes (formerly classified as felonies) constituted nearly thirty percent of the Superior Court's criminal caseload. A total of 52.5% of all dispositions were convictions, while dismissals by the District Attorney accounted for 23.7%. Of the 5,846 convictions, 95.7% were by a plea of guilty. There were 391 criminal jury trials and 49 jury-waived trials during the year:

The state's major court of limited jurisdiction is the District Court. The Court experienced a slight increase in caseload, with 233,546 filings (including traffic infractions) in FY'95, a 2.3% increase from FY'94. Criminal filings (74,605) decreased by 9.7% from the previous



year, civil filings (43,887) increased by 1.1%, and civil violations increased by 5.4% to 8,161. Traffic violations received at the District Court Violations Bureau were 100,421 compared to 99,432 in FY'94

The Administrative Court has jurisdiction over the suspension and revocation of administrative agency licenses. Almost all (96%) of this Court's caseload originates from the Bureau of Liquor Enforcement. In FY'95, filings in the Administrative Court increased by 22% from the level reported in FY'95, with a total of 366 filings.

### Maine Judicial Branch Caseload Summary

	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>LAW COURT (a)</b>										
Filings	520	565	528	(a)	540	622	646	652	1,036	988
Dispositions	516	492	542	(a)	517	618	573	544	889	732
<b>SUPERIOR COURT</b>										
Filings	17,766	17,643	18,162	18,743	20,638	19,793	19,152	18,274	17,649	17,375
Dispositions	17,978	17,276	16,886	18,105	19,967	19,443	19,345	18,537	18,116	16,693
<b>DISTRICT COURT</b>										
<b>Local Courts</b>										
Filings	268,355	293,896	321,557	325,560	315,123	307,776	216,830	138,110	128,166	133,125
Dispositions	256,845	277,556	306,491	310,269	305,404	300,259	226,921	136,878	126,029	129,352
<b>District Court Violations Bureau</b>										
Filings	—	—	—	—	—	—	57,418	94,796	99,432	100,421
Dispositions (b)	—	—	—	—	—	—	not avail.	not avail.	not avail.	100,458
<b>TOTAL DISTRICT COURT</b>										
FILINGS	268,355	293,896	321,557	325,560	315,123	307,776	274,248	232,906	227,600	233,546
DISPOSITIONS	256,845	277,556	306,491	310,269	305,404	300,259	not avail.	not avail.	not avail.	229,810
<b>ADMINISTRATIVE COURT</b>										
Filings	364	341	283	357	357	423	454	336	358	366
Dispositions	378	309	286	350	377	404	416	324	321	494
<b>TOTAL CASELOAD</b>										
Filings	287,005	312,445	340,530	(a)	336,658	328,614	294,500	252,168	246,645	252,275
Dispositions (c)	275,717	295,633	324,205	(a)	326,265	320,724	not avail.	not avail.	not avail.	247,729

(a) Due to the recordkeeping system used in the Law Court, and the transition from a calendar year to a fiscal year annual report, figures for FY'89 are not available. Only calendar year figures were available until FY'93; FY'90 = 1989 calendar year, FY'91 = 1990 calendar year, FY'92 = 1991 calendar year.

(b) Disposition data for the DCVB is unavailable for FY'92, FY'93, and FY'94.

(c) Total disposition count for FY'92 through FY'94 has not been calculated due to unavailability of data from the DCVB.

# The Supreme Judicial Court



**Supreme Judicial Court:** (front row) David G. Roberts, Daniel E. Wathen, Caroline D. Glassman; (back row) Howard H. Dana, Jr., Robert W. Clifford, Paul L. Rudman, Kermit V. Lipez

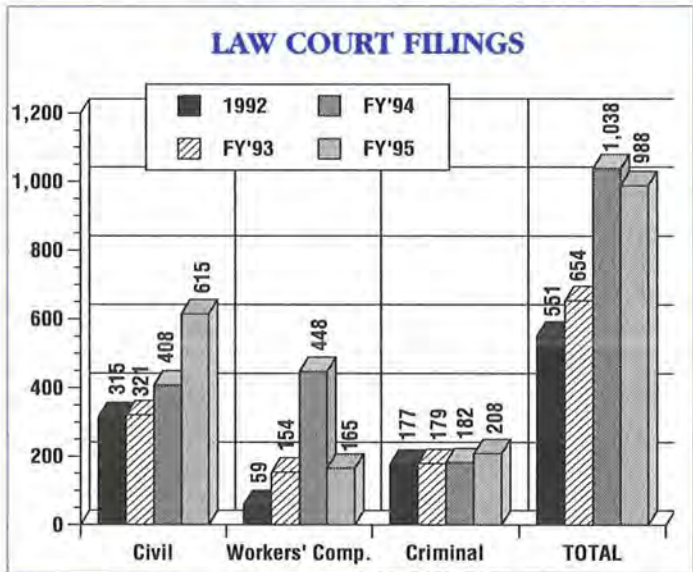
The appellate caseload of the Supreme Judicial Court continues at a level nearly double that experienced in the past. The initial surge of cases resulting from procedural changes in workers' compensation law has been successfully managed. Workers' compensation filings have returned to a number that, although still increased, more accurately reflects the normal pace of the new administrative process. The number of appeals in other areas continues to rise as well, but the Court remains current and its record is commendable. The Court's total

number of dispositions is high when compared with any national standard. The average time from appeal to disposition continues essentially unchanged.

Despite this record of positive accomplishment, the Court has taken steps to improve its performance in the near term. Any degree of delay that is avoidable is unacceptable because it affects litigants adversely and undermines justice. One of the principle causes of appellate delay is the time required for the preparation of trial transcripts. Careful management of the use of court reporters, electronic recording, and private transcription services will significantly streamline the appellate process. We will aggressively pursue these improvements and others in the coming year.

Finally it is worth noting that fewer than fourteen percent of all appeals result in any change in the original judgment. This fact reflects favorably on the performance of Maine's Judicial Branch. Maine's trial courts handle one quarter of a million cases per year; only one hundred and one of those cases required correction in FY'95. Truly a remarkable record.

Daniel E. Wathen  
Chief Justice, Supreme Judicial Court



## The Superior Court

Fiscal Year 1995 marked a period when a degree of stability began to return to the court after the crisis operation of the early 1990's. Turnover in judicial and support personnel was minimal, making it easier to plan court sessions and make judicial assignments.

Justice Bruce W. Chandler retired at the end of September and was replaced by his former law-partner Donald H. Marden who was sworn in on December 8, 1994. Justice William S. Brodrick retired from active service in February, 1995 after more than thirteen years of service to the District and Superior Courts, and accepted an appointment as an active-retired justice, working part-time in both trial courts. District Court Chief Judge Susan W. Calkins was appointed as the successor to Justice Brodrick and was sworn in on May 31, 1995.

A comprehensive jury management study was commissioned by the Performance Council and completed, with Justice Alexander acting as the team leader. Many of its recommendations have been adopted or will be implemented as resources permit. The cross-assignment program with the District Court which was adopted last year has been used by a number of judges to provide exposure to the varied experience of another court and to assist with scheduling problems. The Superior Court has adopted a voluntary peer visitation program for judges to observe and learn from each other.

A substantial amount of time was spent by judges, clerks and administrators to review, evaluate and make suggestions for rules to govern the Alternative Dispute Resolution pilot project that will commence in four counties in July 1995.

On June 6, 1995, my five year term as Chief Justice of the Superior Court expired and Justice Roland Cole of Wells was appointed as my successor. Justice Cole, a very experienced jurist and former trial lawyer, is well suited to guide the trial court through the next several years.

I am deeply grateful for all the assistance and cooperation and personal kindnesses that have been extended to me during my term as Chief. Without the cooperation of all of my colleagues on the bench, the clerks and their staffs, court reporters, law clerks, court officers, administrators, AOC personnel, attorneys and bar association leaders, and judicial secretaries, especially my judicial manager Pat Champagne, it would be an impossible task. The success of any programs instituted by the court is achieved only with everyone working as a team.



Thomas E. Delahanty II  
Chief Justice, Superior Court

### Superior Court Civil Filings

Case Type	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>CIVIL CASES</b>										
Damages	858	467	466	497	533	407	457	398	607	680
Personal Injury	1,209	1,332	1,310	1,465	1,353	1,285	1,195	1,217	1,143	1,139
Contract	1,002	1,086	1,402	1,500	1,542	1,536	1,095	931	715	641
Divorce	372	390	454	439	377	408	284	252	343	454
Rule 80B/80C Appeal	57	363	339	351	364	297	304	364	275	312
Appeal/Lower Court	234	225	243	235	302	290	301	264	371	361
Real Property Action	32	366	483	501	753	1,166	1,380	1,175	310	286
Equitable Action	70	342	335	349	344	307	351	310	889	788
URESAs	1,303	801	1,142	842	596	228	296	299	276	289
Other	1,515	645	664	708	747	738	725	599	580	479
<b>CIVIL TOTAL:</b>	<b>6,652</b>	<b>6,017</b>	<b>6,838</b>	<b>6,887</b>	<b>6,911</b>	<b>6,662</b>	<b>6,388</b>	<b>5,809</b>	<b>5,509</b>	<b>5,429</b>

### Superior Court Civil Dispositions

Type of Disposition	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>STATE TOTAL</b>										
Default Judgment	145	131	110	129	208	283	240	288	258	182
Rule 41 (a)	3,145	2,544	2,702	2,729	2,660	2,478	2,484	2,392	2,313	2,172
Rule 41 (b)	195	186	167	141	319	286	150	370	330	243
Dismissal	471	538	541	569	559	463	451	411	338	410
Summary Judgment	220	190	172	165	294	455	744	754	615	517
Final Order	399	476	456	575	708	716	610	517	570	418
Divorce Decree	295	257	328	313	295	302	290	232	164	196
Appeal Sustained	42	74	60	67	70	57	60	56	72	73
Appeal Denied	130	196	161	164	217	216	197	190	228	214
Court Judgment	124	132	122	124	106	103	196	148	193	162
Jury Verdict	184	201	221	202	187	183	113	128	192	150
Other	704	430	529	511	484	585	646	596	481	483
<b>TOTAL</b>	<b>6,054</b>	<b>5,355</b>	<b>5,569</b>	<b>5,689</b>	<b>6,107</b>	<b>6,127</b>	<b>6,181</b>	<b>6,082</b>	<b>5,754</b>	<b>5,220</b>



*Superior Court: (front row) Margaret J. Kravchuk, Roland A. Cole, William S. Brodrick, Donald G. Alexander, Thomas E. Delahanty II, Carl O. Bradford, Paul T. Pierson, G. Arthur Brennan; (back row) William E. McKinley (active retired), John R. Atwood, Francis C. Marsano, Nancy D. Mills, Andrew M. Mead, Leigh I. Saufley, Robert E. Crowley, Donald H. Marden, and Ian MacInnes (active retired).*

### Superior Court Criminal Filings

Case Type	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>CRIMINAL CASES</b>										
Class A	533	511	467	501	540	495	434	450	422	422
Class B	925	911	959	1,191	1,216	1,183	1,161	924	901	920
Class C	2,128	2,211	2,231	2,517	3,030	2,893	2,747	2,468	2,541	2,277
Class D	2,573	2,725	2,467	2,677	2,987	2,904	2,929	3,053	2,932	3,240
Class E	1,206	1,301	1,098	1,173	1,314	1,465	1,386	1,342	1,204	1,202
Title 29	2,983	2,928	2,836	2,625	3,099	2,736	2,669	2,740	2,701	2,427
Other	1,089	1,352	1,508	1,574	1,980	1,815	1,827	1,824	1,731	1,724
<b>CRIMINAL TOTAL:</b>	<b>11,437</b>	<b>11,939</b>	<b>11,566</b>	<b>12,258</b>	<b>14,166</b>	<b>13,491</b>	<b>13,153</b>	<b>12,801</b>	<b>12,432</b>	<b>12,212</b>

### Superior Court Criminal Dispositions

Type of Disposition	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>STATE TOTAL</b>										
District Court Bail Revised	214	233	338	341	412	345	313	241	208	202
District Court Bail Affirmed	61	65	78	92	112	127	96	87	86	69
Dismissed by Court	184	265	157	197	279	243	232	171	99	153
Dismissed by D.A. Rule 48(a)	2,962	3,161	2,717	3,013	3,129	3,225	3,127	3,269	2,932	2,643
Filed Case	142	141	149	201	194	135	314	419	434	613
Probation Revoked	328	378	505	541	654	664	750	740	800	774
Convicted — Plea	5,817	5,814	5,472	6,315	7,034	7,080	7,054	6,623	6,556	5,596
Convicted — Jury Trial	309	378	379	383	359	339	294	234	266	189
Convicted — Jury Waived Trial	130	120	104	107	99	63	40	67	56	61
Acquitted — Jury Trial	167	160	144	163	166	176	166	137	146	161
Acquitted — Jury Waived Trial	39	36	46	25	36	24	39	21	15	11
Mistrial	15	27	41	45	37	28	20	17	44	32
Other	737	877	573	592	680	748	740	670	723	623
<b>TOTAL</b>	<b>11,105</b>	<b>11,655</b>	<b>10,703</b>	<b>12,015</b>	<b>13,192</b>	<b>13,197</b>	<b>13,185</b>	<b>12,696</b>	<b>12,365</b>	<b>11,127</b>

### FY'95 Criminal Dispositions Detail

CLASS	Convicted: Plea		Convicted: Trial		Acquitted: Trial		Dismissed by D.A.		Filed		Other *		TOTAL
	#	%	#	%	#	%	#	%	#	%	#	%	
A	192	52.7	32	8.8	18	4.9	94	25.8	2	0.5	26	7.1	364
B	565	73.3	27	3.5	10	2.7	135	17.5	5	0.6	29	3.8	771
C	1,466	74.0	38	2.0	33	1.7	378	19.1	25	0.3	41	1.9	1,981
D	1,473	48.3	63	2.1	75	2.5	929	30.5	365	12.0	143	4.6	3,048
E	579	50.0	41	3.5	5	0.4	371	32.1	112	9.7	49	4.2	1,157
TITLE 29	1262	56.6	44	2.0	29	1.3	688	30.9	99	4.4	108	4.8	2,230
OTHER*	59	3.7	5	0.3	2	0.1	48	3.0	5	0.3	1,457	95.5	1,576
<b>TOTAL</b>	<b>5,596</b>	<b>50.29</b>	<b>250</b>	<b>2.25</b>	<b>172</b>	<b>1.55</b>	<b>2,643</b>	<b>23.75</b>	<b>613</b>	<b>5.51</b>	<b>1,853</b>	<b>16.65</b>	<b>11,127</b>

\*Other dispositions include: bail revised/affirmed, mistrial, not guilty by reason of insanity, probation revoked, and miscellaneous. Of the 321 bail reviews included in the "other" category, 196 were revised, 69 were affirmed and 58 were otherwise disposed. Of the 949 probation revocation cases included in the "other" category, probation was revoked in 769 cases.

## The District Court

During Fiscal Year 1995 the District Court had a full complement of judges throughout most of the year. In May, Judge Gaulin retired, and Chief Judge Susan W. Calkins joined the Superior Court, which created two vacancies. These vacancies remained unfilled through the end of the fiscal year. Chief Justice Wathen appointed Deputy Chief Judge S. Kirk Studstrup as Chief Judge of the District Court, and Chief Judge Studstrup, in turn, appointed Judge Andre G. Janelle as Deputy Chief Judge. The term of Active Retired Judge Damon Scales expired in February. Fortunately, Active Retired Justice Brodrick, who was a District Court judge before he joined the Superior Court, was willing to assist the District Court.

Meetings of the District Court judges were held in January and April. Judicial education sessions were held in October and May for all judges. A few judges were able to obtain scholarships to attend other judicial education programs. A grant paid for three judges to attend a session on juvenile justice in New Jersey. The clerks had a two day conference in May.

In addition to the new courthouse in Waterville featured on the cover of this report, negotiations continued regarding sites for two new courthouses to be built in Skowhegan and Biddeford.

A series of meetings was held in all districts with the Chief Judge and the judges and clerks to review scheduling practices and the allocation of judge time in light of the changing caseload, including the increasing number of multi-day trials, particularly in domestic and child protection cases. As a result of these meetings, major and minor changes to schedules were made at many court locations.

District Court judges, clerks and other personnel continued working on a number of projects and teams: pro se divorce procedures; management of mail; court technology; video arraignments; protection from harassment procedures; court fees; and judicial education, to name just a few of the many topics. The efforts of all enabled the District Court to deliver and improve court services to the citizens of the State.



*Susan W. Calkins*  
Chief Judge, District Court

### District Court Caseload: Cases Filed By Type

<b>CIVIL CASES</b>	<b>1988</b>	<b>FY'89</b>	<b>FY'90</b>	<b>FY'91</b>	<b>FY'92</b>	<b>FY'93</b>	<b>FY'94</b>	<b>FY'95</b>
<b>DOMESTIC CASES:</b>								
Divorce	7,377	7,395	7,320	7,207	7,139	7,037	6,966	6,856
Protection from Abuse	3,430	3,682	3,978	4,891	5,319	5,404	5,718	5,468
Protective Custody	554	580	506	557	647	665	628	527
Other Family Matters	1,360	1,359	1,377	1,305	1,342	1,633	2,067	1,796
<b>Domestic: Sub Total</b>	<b>12,721</b>	<b>13,016</b>	<b>13,181</b>	<b>13,960</b>	<b>14,447</b>	<b>14,739</b>	<b>15,379</b>	<b>14,647</b>
General Civil	17,505	17,944	19,896	19,987	17,936	15,997	14,328	15,539
Small Claims	26,012	27,582	29,740	18,558	11,033	9,997	10,071	10,187
Protection From Harassment	2,974	3,393	2,217	2,274	2,550	2,665	2,895	2,808
Mental Health	1,046	1,000	1,071	934	862	696	734	706
<b>Civil: Total</b>	<b>60,258</b>	<b>62,935</b>	<b>66,105</b>	<b>55,713</b>	<b>46,828</b>	<b>44,094</b>	<b>43,407</b>	<b>43,887</b>
<b>CRIMINAL CASES</b>								
Juvenile	4,717	5,070	5,082	4,619	4,757	5,219	5,691	5,285
Criminal A,B,C	4,936	5,255	5,520	5,522	4,756	3,705	3,898	3,640
Criminal D,E	30,430	32,030	34,588	36,077	35,856	33,225	32,327	30,551
Traffic Criminal	67,548	70,911	68,373	57,591	45,972	35,699	35,104	35,129
<b>Criminal: Total</b>	<b>107,631</b>	<b>113,266</b>	<b>113,563</b>	<b>103,809</b>	<b>91,341</b>	<b>77,848</b>	<b>77,020</b>	<b>74,605</b>
<b>TOTAL: Civil &amp; Criminal</b>	<b>167,889</b>	<b>176,201</b>	<b>179,668</b>	<b>159,522</b>	<b>138,169</b>	<b>121,942</b>	<b>120,427</b>	<b>118,492</b>
Civ. Vio./Traffic Inf.	107,631	149,359	135,455	148,254	136,079	110,964	107,173	108,582
<b>GRAND TOTAL</b>	<b>275,520</b>	<b>325,560</b>	<b>315,123</b>	<b>307,776</b>	<b>274,248</b>	<b>232,906</b>	<b>227,600</b>	<b>227,074</b>



*District Court Judges: (front row) Joseph H. Field, Peter J. Goranites, Jane S. Bradley, Susan W. Calkins, S. Kirk Studstrup, Jessie B. Gunther, Courtland D. Perry, II; (row 2) John V. Romei, Andre G. Janelle, Ronald A. Daigle, Jeffrey L. Hjelm, Jon D. Levy; (row 3) John B. Belivreau, John C. Sheldon, Alexander A. MacNichol, Ellen A. Gorman, William R. Anderson; (row 4) Ronald D. Russell, David B. Griffiths, Douglas A. Clapp, Michael N. Westcott. Absent from photo: Bernard C. Staples, Thomas E. Humphrey, Rae Ann French, Paul A. Cote, Jr.*



## The Administrative Court



*Administrative Court Judges:  
Roland Beaudoin, Joyce Wheeler*

For Fiscal Year 1995, the primary caseload for the Administrative Court relating to its statutory jurisdiction continued to involve Bureau of Liquor Enforcement petitions (352 of 366 filings). The docket also included cases involving various administrative agencies such as the Real Estate Commission, the Board of Osteopathic Examination and Registration, and the Department of Human Services. This statutory jurisdiction included both trial and appellate dockets.

The judges and staff of the Administrative Court provided major support for the Family Court Pilot Project in FY'95. This pilot project was created by the Legislature, implemented in 1991, and continued in full operation in 1995. Both judges of the Administrative Court expended a majority of their time managing, hearing and disposing of family law cases from both the District and Superior Courts in Cumberland County, and the clerical staff from the Administrative Court provided substantial direction and support for the project. Some cases from other counties were also involved in the project.

The Administrative Court judges and staff were also involved in providing time and resources to the non-family law District Court dockets. The judges heard matters on the full District Court dockets on a regular basis.

Roland Beaudoin  
*Chief Judge, Administrative Court*

### ADMINISTRATIVE COURT CASELOAD

	1986	1987	1988	FY'89	FY'90	FY'91	FY'92	FY'93	FY'94	FY'95
<b>Bureau of Liquor Enforcement</b>										
Filings	348	327	279	350	348	418	442	328	342	352
Dispositions	364	299	281	344	369	399	407	316	314	478
<b>Department of Human Services</b>										
Filings	2	5	2	2	3	3	1	3	4	0
Dispositions	0	3	3	3	3	0	2	3	2	1
All Other - Filings	7	7	2	5	6	2	11	5	12	14
All Other - Dispositions	14	7	2	3	5	5	6	5	5	15
<b>TOTAL - FILINGS</b>	<b>357</b>	<b>339</b>	<b>283</b>	<b>357</b>	<b>357</b>	<b>423</b>	<b>454</b>	<b>336</b>	<b>358</b>	<b>366</b>
<b>TOTAL - DISPOSITIONS</b>	<b>378</b>	<b>309</b>	<b>286</b>	<b>350</b>	<b>377</b>	<b>404</b>	<b>415</b>	<b>324</b>	<b>321</b>	<b>494</b>

# Fiscal Report

The Judicial Branch operates primarily from the State general funds appropriated by the Maine Legislature, although it also receives some grants from public and private sources.

Fiscal Year 1995 continued the long series of financially difficult years for the Judicial Branch that began in the late 1980's. Total funds were \$33.1 million, which was \$1.8 million higher than in FY'94. However, most of this slight increase was dedicated to payment of bills (including court-appointed attorneys) that were unpaid from the previous fiscal year, increased cost of employee benefits, and cost of living increases for non-judicial staff. There were no provisions for any additional staff, significant program improvements, much-needed technology funding, or to cover inflationary trends in such expenditures as telecommunications, rents and other facility-related costs. Cost of living increases for the Judiciary were unfunded for the third year in a row. Staffing levels remained flat, at the same number of employees as in 1986, despite a growing workload created by the increased complexity of cases.

Revenues from fees and fines were approximately 4% higher than in FY'94, due to the continued success of collection efforts to recoup unpaid fines, as well as added fine surcharges that created a new "victim's compensation fund." The Judicial Branch continued to seek and receive funds from federal and foundation sources to fund, wholly or in part, various studies, initiatives and court improvement projects. As of June 30, 1995, there were eight active grants, totalling of over \$800,000.

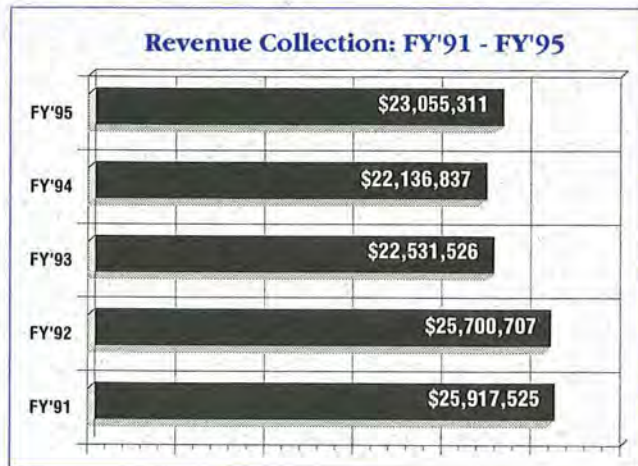
## Expenditure Summary

CATEGORY	FY'94	FY'95	% of Total In FY'95	% Change '94-'95
District Court	\$10,745,760	\$11,377,714	34.4	5.9
Superior Court	7,352,531	7,737,291	23.4	5.2
Indigent Legal Services	4,951,298	5,116,458	15.5	3.3
Supreme Judicial Court	2,426,910	2,391,765	7.2	-1.4
Administrative Office of the Courts	1,423,578	1,499,532	4.5	5.3
Mediation	243,118	253,059	0.8	4.1
Administrative Court	305,337	323,638	1.0	6.0
Court Automation	569,298	727,994	2.2	27.9
State Court Library	169,020	190,094	0.6	12.5
Grants/Other Allocations (a)	547,788	723,120	2.2	32.0
Court Security Administration	876,804	1,267,022	3.8	44.5
Court Appointed Special Advocate	106,300	105,064	0.3	-1.2
Judicial Council	4,568	2,856	0.0	-37.5
Judicial Responsibility & Disability	44,518	39,528	0.1	-11.2
Other Department Activities (b)	1,530,200	1,318,024	4.0	-13.9
<b>TOTAL</b>	<b>\$31,297,028</b>	<b>\$33,073,160</b>	<b>100.0</b>	<b>5.7</b>

**(a) Other monies expended during FY'95 were as follows:**

- Augusta Mental Health Institute Master Agreement - \$88,167 (Maine Department of Human Services)
- Court Automation - \$175,101 (Bureau of Justice Assistance, through Maine Justice Assistance Council)
- Worker's Compensation Staff Attorney - \$41,683 (Worker's Compensation Board)
- Commission to Study the Future of Maine Courts - \$13,624 (State Justice Institute; Libra Foundation; National Institute of Dispute Resolution; Maine Bar Foundation)
- Cooperative IV-D Program - \$61,476 (Maine Department of Human Services)
- Total Quality Management - \$33,366 (State Justice Institute; State)
- County Law Libraries - \$2,680 (Maine Bar Association)
- Publications - \$10,000 (Revenue Dedication)
- County Jail Operations Surcharge - \$204,892 (Revenue Dedication)
- District Court Capital - \$92,131 (State)

- (b)**
- In FY'94, \$1,461,563 (96%) represented annual bond principal and interest payments;
  - In FY '95, \$1,224,016 (93%) of "other department activities" represented these payments.



# PLANNING FOR CHANGE and IMPROVEMENT

## AOC Mission Statement

*The Administrative  
Office of the Courts  
is dedicated in its  
effort to serve the*

*Chief Justice, Judiciary,*

*Judicial Branch*

*employees and the*

*public. The AOC*

*shall provide*

*leadership and*

*management which*

*will enable the*

*Judicial Branch to*

*administer justice.*

The planning process at the Administrative Office of the Courts provides the plan for improving the working environment and the services courts provide to the citizens of Maine. During the year, employees throughout the system and citizens of our state participated in planning and managing change in an effort to improve Maine's courts.

## Fiscal Year 1995 goals and accomplishments

### **COMMUNICATION: Improve and expand effective communication for the Judicial Branch, both internally and externally.**

Communication within the Judicial Branch was accomplished through the regular issuance of an employee newsletter, "Just 'us for All". Submissions by Chief Justice Wathen and SCA Glessner provided updates on current issues, keeping employees informed of events and policy matters affecting the Branch. The newsletter increasingly became a vehicle of communication utilized by personnel throughout the Court system. Letters of appreciation as well as stories of court activity filled more of each issue. Created and published by employees, using in-house resources, the newsletter was produced at minimal cost and distributed with paychecks approximately every six weeks.

Increased access to electronic mail became a reality during FY'95, as all thirty-three District Court sites came on-line through the Judicial Branch Wide Area Network (JBWAN). The connections provided services including "read only" access to the databases of other courts, the ability to exchange e-mail, and to share files.

## **FACILITIES: Provide and properly maintain accessible, adequate, and appropriate facilities for all operations of the Judicial Branch.**

Significant improvements in facilities management occurred in FY'95. The Court Facilities team designed a Uniform Court Facility Survey tool, a comprehensive document and process to serve as a guide in identifying operational, safety, health, security and space deficiencies. Extensive reviews of four court facilities were completed. Over the next two years, the team plans to complete evaluations of all fifty court locations. Information obtained through this system will be used to plan and prioritize maintenance and upgrade current facilities, as well as plan for future construction.

An AOC Facilities team investigated the possibilities for relocating the Portland office of AOC. With the increase of available office space in the greater Portland area, the possibility of relocating to a more cost effective location was thoroughly investigated. An assessment of space needs was conducted, and numerous locations were considered. Parameters limiting the cost of moving, and leading to long term savings and/or improved facilities, prohibited a move during FY'95. However, the team continues to work, keeping in communication with local realtors and investigating promising leads.

During FY'94, the 116th Legislature authorized the Maine Court Facilities Authority to issue securities for constructing new courthouses in Biddeford and Skowhegan. In FY'95, an architectural firm, the Portland Design Team, in conjunction with the judicial court staff, identified potential sites in Biddeford for a new court facility. Negotiations for the selected site were completed with the City of Biddeford, and approved by the Maine Court Facilities Authority. The project, however, was delayed due to site acquisition problems. A general contractor will be chosen by July of 1996, with construction to begin in August of 1996.

Architects in Skowhegan, in conjunction with the local court staff, completed a site selection process. An option agreement on a selected site (Hight property at the corner of Court and High Streets) was executed. Selection of a new architectural firm will occur in FY'96, due to the dissolution of the original partnership.

## **UNIFORM PROCEDURES: Improve Judicial Branch operations by developing, implementing and enforcing uniform standards and procedures.**

The Procedures team members collected all of the twenty-three procedures manuals presently in existence in the court system, and researched other models. Two objectives guided the team in its work: 1) a desire to have one comprehensive procedures manual with a single format in order to achieve greater uniformity; and 2) a desire to establish a process to ensure that existing procedures are revised as needed, new procedures are developed when necessary, training in new or revised procedures is provided, and written procedures are developed for those areas not presently having them.

A proposal entitled "Criteria for the Development, Review and Approval of Procedures" was drafted and circulated for review. The Criteria were revised, additional materials were developed, and the team's work was approved by the Administrative Team.

**INFORMATION SYSTEM: Develop, implement and maintain a comprehensive management information system to encourage management by fact.**

The Technology Project Committee appointed a Management Information System Team to conduct a comprehensive review of court docketing procedures and to analyze the data needs of internal and external users. The MIS team recommended a number of procedural changes, forms adaptations, and amendments to the Rules of Court. The team developed a process for tracking and quantifying the work of the courts that will become part of the requirements for automating the courts. Goals such as the ability to track a case and measure the activity (workload, actions and results) throughout the judicial system were targeted as ideal outcomes. Defining terms and processes in a standardized manner will lead to a significant increase in the integrity of statistical data.

This project will eventually result in a dramatic increase in the availability of accurate and useful management information and will permit the courts to provide services to the public with greater efficiency.

**FINANCIAL RESOURCES: Secure and prudently manage the financial resources required to effectively operate the Judicial Branch.**

As a result of persistent underfunding, cost controls initiated in prior years were continued and augmented in FY'95. These measures included flat funding of all security contracts and facility leases, strict limitations on overtime, reduced assignment of active retired judges, and limited use of temporary employees.

The Bail Reconciliation Project, establishing a single bail account for many court locations was expanded to nine locations, with plans to eventually serve all locations. The program saves valuable clerical time by eliminating local reconciliations, providing better control, and allowing the State to realize a higher interest return on a single large account balance.

Faced with urgent capital needs, and very limited funds, in FY'95 the Judicial Branch leveraged those funds by entering into three-year equipment leases. This permitted \$250,000 worth of equipment to be obtained immediately with an annual expenditure of only \$85,000. Interest rates were secured at the preferential tax exempt levels.

## **HUMAN RESOURCES: Expand the scope of human resource management services to better serve the personnel of the Judicial Branch.**

The Judicial Branch Education and Training Team (JBETT) completed a training needs assessment; a "train-the-trainer" program was conducted; and general policies and procedures were developed. The following pilot training programs were developed and employed: "Basic Macintosh Skills", "Basic WordPerfect", "Video Display Terminal Training", "Time Management" and "How to Handle Difficult People". Throughout the year, the focus remained on the creation of curricula and the development of in-house trainers.

The Performance Evaluation team worked on an improved employee evaluation system. A statement of philosophy and purpose was developed and circulated for comment. The current evaluation form was assessed, and improvements were investigated.

## **HEALTH AND SAFETY: Provide employees and the public with a secure environment free from all health and safety hazards.**

The responsibilities of the Office of Court Security and Safety continued to grow this year. The Director of Security is now located in the Maine Judicial Center in Augusta, providing a more central and convenient location for serving the entire state. Currently the Judicial Branch contracts with twelve sheriffs' departments to provide for court officers, but in four counties it has direct responsibility for hiring officers.

During the year, court officers responded to 210 security incidents within the courts. In addition, the office has been involved with several threats to personnel, internal incidents, health related issues, bomb threats, and incidents involving suspicious mail. A Security Improvement Team began the process of revising the Emergency Response Manual. The manual will be completed in FY'96 and additional training in security protocol will then be provided to court personnel. Safety procedures with respect to blood borne pathogens were developed and presented at regional staff meetings. A comprehensive Infectious Disease Control Plan will be prepared and distributed during the coming year.

## **TECHNOLOGY: Promote the application and coordination of all technology appropriate to improving the efficiency of Judicial Branch operations.**

The Office of Court Computer Services, working with many employees, including clerks, judges, and administrators, conducted a comprehensive analysis of the "paperwork" of the Judicial Branch. Those involved were able to document record-keeping and docketing tasks common at all court levels, and to suggest improvements for process and management. The resulting document describes all administrative and judicial functions and details the measures by which courts track and conduct their business.

Such an analysis is the first step in implementing the automated Court Management System described in the Technology Plan. That system will improve court productivity and services, and provide accurate and timely information to the public, litigants, judges, administrators, and other officials. The full implementation of the system will take one to two years. It is more than just a computer; it will actually change the way courts do business.

During FY'95, access to Lexis, an on-line legal research service was provided. At the end of FY'95, a new contract, which will provide access and training from Westlaw was negotiated, resulting in increased services at a lower cost.

OCCS provided support to the users of the District Court Criminal System, the Violations Bureau System, office automation software on the large computer systems, and Macintosh computers. This support involved telephone and on-site response, training sessions for the more than 200 Mac users, software upgrades, office automation system upgrades and database upgrades.

Newly enacted legislation required substantial modifications to the computerized offense database in order to reflect process and fine changes. In addition, OCCS provided service to the Judicial Branch to more effectively manage the courts. The computer system at the District Court Violations Bureau was improved and modified to provide meaningful caseload reports, as well as to electronically transmit court abstracts to the Bureau of Motor Vehicles. This last development represents a major step in eliminating unnecessary paperwork within a vital part of state government. In addition, during FY'95, District Court clerks were provided the means to instantly share word processing and spreadsheet documents with other court locations. This bulletin board service assists in maintaining court schedules on a regional basis and facilitates the sharing of staff and judges.

Additional laptop computers were deployed to judges in FY'95. This technology has proven to very useful and efficient because of travel demands and limited secretarial services.

### **PLANNING: Establish a comprehensive planning process within the Judicial Branch to coordinate, prioritize and monitor the implementation of goals.**

The planning process at the AOC, involving all staff, produced an outline of priorities and actions for FY'95. The plan, outlined through goals as stated in this report, assigned teams to address major areas of responsibility and concern.

In the future, coordination of planning efforts will be addressed by the Performance Council and will incorporate the priorities defined by the Council, the Futures Commission and the AOC. The coordination will provide a single forum to funnel and address needs of the Judicial Board.

## **PARTICIPATORY MANAGEMENT: Integrate participatory management principles into Judicial Branch operations.**

Reliance on teamwork to research problems and design improvements at the local and system-wide level, has become the norm. Throughout the year, many employees representing various positions and locations, participated in teams to address a number of areas of concern. The AOC, in conjunction with the Performance Council, has provided training and enabled accomplishment through participative team work.

## **Participatory Management Process**

With the support of the Chief Justice, the Participatory Management Process, begun in 1992, continued to develop and mature during FY'95. The principles of participatory management include some of the concepts of "Total Quality Management," such as customer focused planning, a team approach to improving services, and the careful measurement of results.

The Performance Council, twenty-one individuals representing various positions within and outside the Judicial Branch, oversees the development of participatory management. In the current year, the Council worked with a number of teams and began a planning process to define the Council's growing role over the next five years.

**Team Activities** > Each of the teams launched by the Performance Council in FY'94 completed the development phase of their problem-solving work in the current year and issued preliminary or final recommendations to the Performance Council.

The Mail Management, Pro Se Divorce, Jury Management, Customer Directions, and Transcript Production teams each made lengthy presentations to the Council describing the improvements they had developed. After minor adjustments, the Council approved the recommendations, and solutions not requiring funding were implemented immediately. Funding for team projects was included for the first time in the Judicial Branch budget for FY'96.

In response to a sense of "initiative overload," the Performance Council refrained from forming new teams during this fiscal year, with one exception. A team to improve the process for handling petitions for Protection from Harassment was formed to build upon the success achieved by the Protection from Abuse Team.

The PMP Internal Trainers Team experienced a flurry of activity in the late fall of 1994. Team members conducted a pilot worksite training program in the courts in the Augusta/Waterville and Bath/Brunswick areas. The training was designed to bring the team approach to the courthouse. The trainers developed and delivered a one-day program focusing on teamwork and problem-solving skills.

In November, the trainers provided a more comprehensive three-day session for new members of the Council and members of the Protection from Harassment Team.



## **Additional Activities During FY'95**

**Child Support Enforcement** > During FY'95, the Judicial Branch renewed its cooperative agreement with the Department of Human Services (DHS), enabling the court system to continue to receive federal funds for processing child support and paternity cases that qualify for federal reimbursement under Title IV-D of the Social Security Act.

During FY'95, the Uniform Reciprocal Enforcement Act (URESA) was repealed, and a new act entitled the Uniform Interstate Family Support Act (UIFSA) was enacted, requiring changes in Superior Court procedures. Training was provided at the clerks' conference in May, the clerks' procedural manual was updated and forms were adapted to conform with the new act.

The Judicial Branch, through DHS, submitted a federal grant request for \$890,000 to computerize the child support and paternity caseload. In the spring of 1995, the request was approved by the Federal Administration for Children Youth and Families, which determined that the costs of this computerization effort will be shared between the State of Maine (34%) and the federal government (66%). This grant, when combined with others, will go a long way toward modernizing Maine's court system.

**Committee to Study the Role of the Courts in Protecting Children** > As part of the Omnibus Budget Reconciliation Act of 1993, Congress established a four-year grant program designed to help state courts focus on their role in child protection proceedings. Under the terms of the program, first-year funds must be spent on an assessment of existing laws, practices and procedures and on the development of an improvement plan. Second, third and fourth year funding is available to implement the recommended improvements.

During FY'95, the Maine Supreme Judicial Court applied for and was awarded first-year funding under this new program. In the late spring, the Court appointed the Committee to Study the Role of the Courts in Protecting Children. The Court asked the committee to conduct the assessment, develop an improvement plan, and assist in the plan's implementation. Committee membership is varied, and includes not only individuals within the Judicial Branch but also a number of people outside the courts who have a strong interest in and connection with child protection proceedings. The assessment will occur during FY'96, with the committee's report expected to be completed during the summer of 1996.

**Court Appointed Special Advocate Program (CASA)** > Maine's Court Appointed Special Advocate Program (CASA) continues to provide trained lay volunteers to serve as guardians ad litem in child protective custody disputes before the court. As active participants in the legal process, each CASA volunteer conducts an independent investigation of the case, and acts as an advocate, facilitator and monitor of each case as it proceeds through the legal and administrative process. CASA volunteers provide individual representation for the children throughout the life of the case, which may span a period of years. The volunteers are not paid for the work that they do, but are entitled to be reimbursed for out of pocket expenses. Less

than one third of all volunteers submit any claims for reimbursement, choosing instead to count those expenses as a further contribution to Maine's abused and neglected children and the Judicial Branch.

In FY'95, CASA volunteers were appointed in 125 new cases representing 165 children. Throughout the year, volunteers provided representation for 893 children in a total of 692 active cases. As of June 30, 1995, there were 214 active CASA volunteers handling cases in 28 of Maine's 32 District Courts. Throughout the year, five training seminars were held around the state, during which 45 individuals were trained to be CASA volunteers.

**The Court Mediation Service** > The Judicial Branch Court Mediation Service continued to provide domestic relations and small claims mediation for the state's Superior and District courts, averaging 350 mediation sessions per month. Reports completed by the program's 47 mediators continue to show that less than 20% of domestic relations cases mediated reached no agreement at all. Mediation fees generated \$293,515 for the state general fund.

A major event for the Court Mediation Service during FY'95 was a three-day training program for court mediators. Three experienced mediation trainers from Cambridge, Massachusetts spent two days with the court mediators, modeling and coaching simulated mediation sessions. A third day focused on legal issues that routinely surface during mediation.

During FY'95, the Court Mediation Committee created a Task Force to examine the role of the Court Mediation Service in the expanding use of Alternative Dispute Resolution (ADR) in Maine's courts, and to assess how the growing practice of private divorce mediation relates to the mandatory requirement for mediation in domestic matters when minor children are involved.

The Early Intervention Mediation Demonstration Project conducted at the Bath-Brunswick District Court was completed in FY'95. During the four month project, six court mediators donated 428 hours of their time to test how mediation could be made available for walk-in users of the court system as well for "on the spot" referrals made directly from the bench on a case by case basis. A mediator was on call at the courthouse for two full days per week and also for an additional two half days. The project demonstrated the usefulness of allowing the court to make case specific referrals to mediation. Continuing or expanding such a program is prevented only by funding constraints. A detailed report is available from the Court Mediation Service.

In FY'95, the State Justice Institute awarded a two-year grant to the states of Maine and Ohio to set up a program in each state to collect, evaluate and compare data regarding the effectiveness of court-sponsored domestic relations mediation. Set to begin in early FY'96, this research project will circulate surveys to disputants, attorneys, and mediators in a number of courts throughout the state. The data will also be used as part of a nationwide project, also funded through SJI, and conducted by the National Center for State Courts, to develop a model evaluation guide to be used by court mediation programs nationwide.

**Alternative Dispute Resolution** > The report issued by the Commission on the Future of Maine's Courts in 1993 recommended the implementation of a plan for a comprehensive dispute resolution system in Maine, and the creation of a planning and oversight function within the Judicial Branch to develop and administer all court-connected alternative dispute resolution programs. Accordingly, the Supreme Judicial Court appointed an Alternative Dispute Resolution (ADR) Planning and Implementation Committee to provide this planning and oversight function.

During FY'95, the Committee and the Administrative Office of the Courts applied for and received a grant from the State Justice Institute to create and evaluate a pilot project employing "early" and "late" forms of civil case dispute resolution in rural and urban Superior Courts in Maine. The pilot project permits research bearing directly on two major questions in the design of dispute resolution systems: 1) what are the implications of early or late dispute resolution for settlement, cost to parties and courts, and perceived justice and 2) what are the effects of rural as compared to urban court location on the implementation and effect of court-connected dispute resolution?

Although the project was not scheduled to begin officially until July 1, 1995, significant work occurred during FY'95, including the development and refinement of new court rules and forms, the selection and training of attorneys and ADR professionals to serve as both volunteer and compensated neutrals, and the preparation of the evaluation component.

**Nonadversarial Administrative Forum** > In February of 1994, the Supreme Judicial Court established a Planning Committee on Development of a Nonadversarial Administrative Forum. This committee grew out of a recommendation made by the Commission to Study the Future of Maine's Courts and is designed to consider whether there is a means of addressing the needs of children and families more effectively in a nonadversarial forum. In FY'95, funded by a \$7,500 grant from the Libra Foundation, the twenty-two member committee began the challenge of producing a plan to be presented to the Supreme Judicial Court for the non-adversarial resolution of family matters. This task brings with it the challenge of evaluating needs left unmet by the current system; developing approaches for meeting those needs; and continually recognizing the realities – economic and emotional – experienced by families undergoing change. The Committee acknowledges the difficulties its mission presents, but remains steadfast in its commitment to, and belief in, the creation of a resolution process that both educates and empowers its participants.

**Law Libraries** > The 117th Maine Legislature, noting that the law libraries are a significant resource to the public and bar, enacted legislation that continues authorization for the Tier IV law libraries. These will remain under the direction of the State Court Library Committee which serves as the governing body for Maine's county law library system.

The Committee is implementing a pilot project in four of the sixteen libraries with the purchase of personal computers, CD-ROM changers, modems, and printers that will offer

computerized legal research and on line information to patrons. If this technology can be used successfully by the public, more libraries will be equipped to facilitate access to legal materials throughout the State.

**Judicial Education** > The Judicial Education Committee, chaired by Caroline D. Glassman, Associate Justice of the Supreme Judicial Court, continued to seek and secure financial resources to provide continuing education opportunities to the judiciary.

In early 1995, Maine played host to a Tri-State Judicial Conference on "Evidence". The conference was funded by a grant from the State Justice Institute resulting from a cooperative effort between representatives of the Maine, New Hampshire, and Vermont Judicial Education committees. It is hoped that this regional approach to judicial education will continue through FY'96 and FY'97, with Vermont slated to host a conference on "Medical-Legal Issues" in the fall of 1995, and New Hampshire to host a conference in the fall of 1996.

In cooperation with the Department of Human Services (DHS), the Judicial Education Committee also presented a program on "Child Sexual Abuse", attended by the Maine judiciary, DHS staff, law enforcement officers, and community service providers. The Committee plans to continue its cooperative relationship with DHS, and hopes to present a conference on "Termination of Parental Rights" in 1997.

The Committee secured various grants to enable judges to attend out-of-state educational programs and scholarships to allow newer judges to attend the National Judicial College in Reno, Nevada. These programs covered topics such as: Children and Violence, Juvenile Justice, Financial Statements, Current Issues in Family Law, and Disproportionate Minority Youth Confinement.

**Commission on Gender, Justice and the Courts** > The Commission on Gender, Justice and the Courts was created by the Supreme Judicial Court in January of 1993. Its mandate from the Court is to "identify attitudes and behavior operating within the Maine judicial system that either reflect gender bias or may be perceived to reflect gender bias, and to make appropriate remedial recommendations. In its initial phases, the issues that have been identified fall into three broad categories: Access (how does gender affect access to representation in divorce proceedings, obtaining protection orders and other related issues); Interaction (how does gender affect hiring and promotion within the court system and interaction between the system's various participants); and Results (how does gender affect jury and judicial decision-making with respect to alimony, custody, child support and sentencing).

In FY'95, a part-time research coordinator, a third-year law student, was hired. A research plan was developed that calls for Commission members and a corps of dedicated volunteers to summarize and analyze gender bias reports from other states, and to collect relevant demographic information on gender characteristics of participants in our court system. In lieu of the more extensive and expensive research on Maine issues that was originally anticipated,

the Commission decided to gather local data through focus groups of various court participants – litigants in family law and domestic violence matters, attorneys, judges and court personnel.

During the spring and into the summer of 1995, with the assistance of professional facilitators, the Commission conducted twenty-two focus groups in three regions throughout the state. The participants were all volunteers who were randomly selected. Volunteers also served as notetakers for the focus group meetings. The information gleaned from these meetings will be used to supplement and support the Commission's analysis of the research on gender bias conducted in other states.

**Jail/Court Video System in Cumberland County** > When a new jail located several miles from the Cumberland County Courthouse was constructed in 1994, county officials approached the Judicial Branch about the desirability of a video telecommunications link between the jail and the court. The intent was to conduct arraignments via video thus reducing transportation costs and providing greater efficiency. In March 1995, a one-year pilot project utilizing this technology became operational, and by the end of FY'95, the Judicial Branch had applied to the State Justice Institute for a grant to evaluate its effectiveness.

**Single Justice Assignment Project** > The Single Justice Assignment Project, which was instituted in 1993 at the urging of the Civil Rules Advisory Committee, completed its first full year during FY'95 and continued to meet with favor among participating justices and the Bar.

The assignment of civil cases to a single justice allows for the assigned judge to be fully familiar with all issues in a case, and provides for a greater degree of consistency in setting schedules for discovery and in certain pretrial rulings. It should save judicial time by eliminating the need for several judges to become knowledgeable about the case during its active life on the court calendar. It is decidedly easier to schedule cases and plan court trial calendars with one judge handling a defined caseload than to deal with a number of judges who may have no prior knowledge of the cases. For the attorneys, it is of benefit to have only one judge issuing orders and setting deadlines and trial schedules. Although case management practices may vary among the judges, there is a degree of certainty within each case handled by one judge.

A program analysis will be conducted. The evaluation will be done through surveying participating judges and clerks as well as collecting comments from attorneys who have had a number of cases assigned to individual judges throughout the project. Analysis of the survey data will enable the court to make a decision whether the project should be continued and expanded to other counties, whether it is feasible to continue it in smaller areas where there is no participating resident justice, and to determine its impact upon criminal case scheduling in other non-participating counties.

**Indigency Screening Project** > The Indigency Screening Project continued to operate in the District and Superior Courts in the southern part of the State (Androscoggin, Cumberland, Kennebec, Sagadahoc and York) with measurable increases in reimbursements received from defendants who are assigned counsel to represent them at public expense.

Amounts collected in project courts have been a small but significant percentage of expenses for defense services at those locations. A total of \$339,098 was collected from defendants, representing 16% of the \$2,133,194 that was expended for court appointed counsel in those counties. Additionally, revenues have increased in courts which do not have screening services, due largely to an increased awareness emphasizing the objective of recouping public funds paid for defense services.

Revenue return is not the only measure of the program. There are intangibles which assist the court and improve the quality and integrity of the system: Judges no longer need to take an adversarial role by interrogating defendants in court as to their financial status; background information and recommendations are provided by screeners from interviews with defendants, saving the court valuable time and often leading to partial payment agreements; and, some defendants decide not to apply for court-appointed counsel knowing that their finances will be reviewed.

**Legislative Highlights** > During the legislative session, staff in the AOC Planning and Management Unit drafted Judicial Branch-sponsored legislation, reviewed over 1500 pieces of legislation, tracked the status of bills and amendments determined to have potential impact on the Judicial Branch, and prepared more than 525 fiscal and programmatic impact statements.

The Public Information Officer monitored and reported the activity of the Legislature throughout the session with particular focus on budgetary matters, and otherwise ensuring timely communication between the legislative and judicial branches of government.

The 117th Maine State Legislature, First Regular Session, enacted 500 public laws, private and special laws, resolutions and/or constitutional amendments, many of which impact the Judicial Branch in some way. Those having significant impact include:

■ **An Act Making Unified Appropriations and Allocations (budget bill) for the Fiscal Years ending June 30, 1996 and June 30, 1997** – Authorized the Maine Court Facilities Authority to issue securities in an amount up to \$250,000 to pay the part of the cost of courthouse projects in Biddeford and Skowhegan and other locations designated by the Authority. Amended the Maine motor vehicle laws: reduced the statutory standard required for a law enforcement officer to stop a vehicle from probable cause to reasonable and articulate suspicion; increased the prior conviction period from six to ten years for enhanced penalties for OUI, increased the minimum mandatory penalties for OUI convictions, and established an ignition interlock device restriction to be imposed upon OUI offenders.

■ An Act to Reduce the Amount of Good Time and Meritous Good Time Available to Persons Sentenced to Terms of Imprisonment – Reduced to five the number of days available to be earned each month for both good time for crimes committed on or after October 1, 1995. Courts must consider the reduced credit when imposing periods of incarceration.

■ An Act to Reduce Tobacco Use by Juveniles – Required a license for the retail sale of tobacco, established procedures for license revocation and enforcement, and made it unlawful for a minor to use fraudulent identification to obtain tobacco products.

■ An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved – Made changes to current domestic relations laws. Requested the Supreme Judicial Court to develop a program to be implemented by September 1, 1997, to provide training, certification, supervision, and assignment of guardians ad litem. Requested the SJC to report its findings and recommendations, including legislation, to the First Regular Session of the 118th Legislature by January 15, 1997.

■ An Act to Establish the Maine Judicial Compensation Commission – Established a commission to study and make recommendations concerning salary, benefits and retirement to be paid for all Maine judges and justices to ensure that "the most highly qualified lawyers in this State, drawn from diverse life and professional experiences, are encouraged to serve in the state judiciary." A report to the Legislature is required no later than December 1 of odd-numbered years.

■ An Act Concerning Sites for Western Aroostook District Court – Eliminated Van Buren as a required site for District Court.

■ An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995 – Created the Productivity Realization Task Force. The Task Force was charged with identifying productivity improvements in state government which will result in at least \$45 million in savings from the biennial budget. The Task Force is advisory and will be making recommendations to the Governor, who in turn, will be presenting his proposal to the Legislature. The Task Force has 13 members, including SCA Glessner, who was appointed by Chief Justice Wathen to serve as the representative of the Judicial Branch.

# The Maine Judicial Branch

## Fiscal Year 1995

### Configuration of the State Court System

- Supreme Judicial Court (Law Court): Court of Final Appeal
- Superior Court: Court of General Jurisdiction
- District Court: Court of Limited Jurisdiction (*civil, small claims, juvenile, traffic violations, criminal*)
- Administrative Court: Court of Limited Jurisdiction (*administrative agency appeals*)

### Number of Judgeships

■ Supreme Judicial Court	7 justices	1 court location
■ Superior Court	16 justices	17 court locations
■ District Court	25 judges	32 court locations
■ Administrative Court	2 judges	1 court location

### Authorized Positions

There are 50 judges and 320 staff positions in the Judicial Branch

### Financial Information

#### ■ Expenditures

State General Fund .....	\$32,350,040
Other Sources .....	\$723,120
<b>Total Expenditures .....</b>	<b>\$33,073,160</b>

#### ■ Revenue

State General Fund .....	\$19,959,326
Other Funds .....	\$3,136,945
<b>Total Revenue .....</b>	<b>\$23,096,271</b>

### Case Filings

■ Law Court .....	988
■ Superior Court .....	17,375
■ District Court .....	233,546
court locations (133,125)	
violations bureau (100,421)	
■ Administrative Court .....	366
<b>■ Total Case Filings ...</b>	<b>252,275</b>





# State of Maine Court Locations

